

## Major opinion shifts, in the US and Congress, on NSA surveillance and privacy

*Pew finds that, for the first time since 9/11, Americans are now more worried about civil liberties abuses than terrorism*

By: Glenn Greenwald – July 29, 2013

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Numerous polls taken since our reporting on previously secret NSA activities first began have strongly suggested major public opinion shifts in how NSA surveillance and privacy are viewed. But a new comprehensive poll released over the weekend weekend by Pew Research provides the most compelling evidence yet of how stark the shift is.

Among other things, Pew finds that "a majority of Americans – 56% – say that federal courts fail to provide adequate limits on the telephone and internet data the government is collecting as part of its anti-terrorism efforts." And "an even larger percentage (70%) believes that the government uses this data for purposes other than investigating terrorism." Moreover, "63% think the government is also gathering information about the content of communications." That demonstrates a decisive rejection of the US government's three primary defenses of its secret programs: there is adequate oversight; we're not listening to the content of communication; and the spying is only used to Keep You Safe™.

But the most striking finding is this one:

*"Overall, 47% say their greater concern about government anti-terrorism policies is that they have gone too far in restricting the average person's civil liberties, while 35% say they are more concerned that policies have not gone far enough to protect the country. This is the first time in Pew Research polling that more have expressed concern over civil liberties than protection from terrorism since the question was first asked in 2004."*

For anyone who spent the post-9/11 years defending core liberties against assaults relentlessly perpetrated in the name of terrorism, polling data like that is nothing short of shocking. This Pew visual underscores what a radical shift has occurred from these recent NSA disclosures:

Perhaps more amazingly still, this shift has infected the US Congress. Following up on last week's momentous House vote - in which 55% of Democrats and 45% of Republicans defied the White House and their own leadership to vote for the Amash/Conyers amendment to ban the NSA's bulk phone records collection program - the New York Times has an article this morning which it summarizes on its front page this way:

The article describes how opposition to the NSA, which the paper says was recently confined to the Congressional "fringes", has now "built a momentum that even critics say may be unstoppable, drawing support from Republican and Democratic leaders, attracting moderates in both parties and pulling in some of the most respected voices on national security in the House."

It describes how GOP Rep. Jim Sensenbrenner - a prime author of the Patriot Act back in 2001 and a long-time defender of even the most extremist War on Terror policies - has now become a leading critic of NSA overreach. He will have "a bill ready when Congress returned from its

August recess that would restrict phone surveillance to only those named as targets of a federal terrorism investigation, make significant changes to the secret court that oversees such programs and give businesses like Microsoft and Google permission to reveal their dealings before that court."

Democratic Rep. Zoe Lofgren is quoted this way: "There is a growing sense that things have really gone a-kilter here". Yesterday on This Week with George Stephanopoulos, Democratic Sen Dick Durbin, one of Obama's closest Senate allies, said that the recently revealed NSA bulk record collection program "goes way too far".

The strategy for the NSA and its Washington defenders for managing these changes is now clear: advocate their own largely meaningless reform to placate this growing sentiment while doing nothing to actually rein in the NSA's power. "Backers of sweeping surveillance powers now say they recognize that changes are likely, and they are taking steps to make sure they maintain control over the extent of any revisions," says the NYT.

The primary problem enabling out-of-control NSA spying has long been the Intelligence Committees in both houses of Congress. That's an ironic twist given that those were the committees created in the wake of the mid-1970s Church Committee to provide rigorous oversight, as a response to the recognition that Executive Branch's surveillance powers were being radically abused - and would inevitably be abused in the future - without robust transparency and accountability.

But with a few rare and noble exceptions, the Intelligence Committees in both houses of Congress are filled with precisely those members who are most slavishly beholden to, completely captured by, the intelligence community over which they supposedly serve as watchdogs. Many receive large sums of money from the defense and intelligence industries.

There is a clear and powerful correlation between NSA support and amounts of money received by these members from those industries, as Wired's Dave Kravets adeptly documented about last week's NSA vote and has been documented before with similar NSA-protecting actions from the Intelligence Committee. In particular, the two chairs of those committees - Democrat Dianne Feinstein in the Senate and Republican Mike Rogers in the House - are such absolute loyalists to the NSA and the National Security State generally that it is usually impossible to distinguish their behavior, mindset and comments from those of NSA officials.

In sum, the Senate and House Intelligence Committees are the pure embodiment of the worst of Washington: the corrupting influence of money from the very industries they are designed to oversee and the complete capture by the agencies they are supposed to adversarially check.

Anything that comes out of the leadership of those two Committees that is labeled "NSA reform" is almost certain to be designed to achieve the opposite effect: to stave off real changes in lieu of illusory tinkering whose real purpose will be to placate rising anger.

But that trick seems unlikely to work here. What has made these disclosures different from past NSA scandals - including ones showing serious abuse of their surveillance powers - are the large numbers of the NSA's own documents that are now and will continue to be available for the public to see, as well the sustained, multi-step nature of these disclosures, which makes this far more difficult for NSA defenders to predict, manage and dismiss away. At least as much as they are shining long-overdue light on these specific NSA domestic programs, the NSA disclosures are changing how Americans (and people around the world) think about the mammoth National Security State and whether it can and should be trusted with unchecked powers exercised in the

dark. Those public opinion shifts aren't going to disappear as the result of some blatantly empty gestures from Dianne Feinstein and Mike Rogers masquerading as "reform".

Despite the substantial public opinion shifts, Pew found that Americans are largely split on whether the NSA data-collection program should continue. The reason for this is remarkable and repugnant though, at this point, utterly unsurprising:

*Nationwide, there is more support for the government's data-collection program among Democrats (57% approve) than among Republicans (44%), but both parties face significant internal divisions: 36% of Democrats disapprove of the program as do 50% of Republicans.*

Just as Democrats went from vehement critics of Bush's due-process-free War on Terror policies to vocal cheerleaders of Obama's drone kills and even Guantanamo imprisonments, the leading defenders of the NSA specifically and America's Surveillance State generally are now found among self-identified Democrats. That was embodied by how one of the most vocal Democratic NSA critics during the Bush years - Nancy Pelosi - in almost single-handedly saved the NSA from last week's House vote. If someone had said back in 2007 that the greatest support for NSA surveillance would be found among Democrats, many would find the very idea ludicrous.

But such is life in the Age of Obama: one of his most enduring legacies is transforming his party from pretend-opponents of the permanent National Security State into its most enthusiastic supporters.

But despite that hackish partisan opportunism, the positive opinion changes toward NSA surveillance and civil liberties can be seen across virtually all partisan and ideological lines:

The largest changes toward demanding civil liberties protections have occurred among liberal Democrats, Tea Party Republicans, independents and liberal/moderate Republicans. Only self-identified "moderate/conservative Democrats" - the Obama base - remains steadfast and steady in defense of NSA surveillance. The least divided, most-pro-NSA caucus in the House for last week's vote was the corporatist Blue Dog Democrat caucus, which overwhelmingly voted to protect the NSA's bulk spying on Americans.

As I've repeatedly said, the only ones defending the NSA at this point are the party loyalists and institutional authoritarians in both parties. That's enough for the moment to control Washington outcomes - as epitomized by the unholy trinity that saved the NSA in the House last week: Pelosi, John Bohener and the Obama White House - but it is clearly not enough to stem the rapidly changing tide of public opinion.

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#### Other related matters

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(1) I was on ABC's This Week with Stephanopoulos discussing our newest NSA revelation coming this week about the actual surveillance powers of low-level NSA analysts. That interview be seen [here](#).

(2) On Wednesday morning, I'll be testifying, by remote video, before an ad hoc committee in the House of Representatives about NSA disclosures. It begins at 9:30 am ET and will, I believe, be broadcast on C-SPAN. Following my testimony will be an excellent panel featuring representatives of the ACLU and the Cato Institute on the dangers and excesses of the NSA.

(3) At an event in Geneva over the week, Noam Chomsky was asked about Edward Snowden and these NSA stories. The transcript of his response is [here](#), and the video can be seen [here](#) (it begins at roughly 1:21:00). It's definitely worth reading or watching what he has to say.

(4) If I had to pick the most astonishing aspect of this episode so far, it would be that everyone now knows that the Obama administration's top national security official, Director of National Intelligence James Clapper, outright lied to the Senate about NSA programs. And yet - as I said on ABC yesterday morning - not only isn't he being prosecuted for that crime - as much of a crime as anything Edward Snowden is accused of doing - but he still has his job. That, of course, is because the "law" does not apply to high-level Washington officials and DC's National Security State is an accountability-free zone. But the law that makes Clapper's behavior a felony is clear and concise, and can be read here.